

PAH-104

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Kjell Lindskog

Examiner: Vernal U. Brown

Title: Method For Transporting An  
Alarmed Container

Group Art Unit: 2612

Serial No. 10/502, 020

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Commissioner for Patents  
P.O. Box 1450  
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REPLY BRIEF

This Reply Brief is being filed in response to the Examiner's Answer, mailed on July 21, 2009, in connection with the appeal of the above identified Patent Application.

The Examiner's Answer, at Section (10), pages 7-9, responds to the arguments presented in the Appeal Brief.

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At page 7, last paragraph of the Examiner's Answer, the Examiner contends that Kniffin et al. discloses that the opening of a container at an intended destination requires the presence of two or more users, and that the two or more users must be detected within a given period of time such as 60 seconds. However, independent claim 1 defines a method in which a first key movable with a container provides the first portion of a code set, a second key located at the intended destination for opening the container provides a second code set, and simultaneous co-action of the first and second code sets at the intended destination for opening the container is required to deactivate means for destroying the contents of the container. As more fully discussed at pages 5-8 of Applicant's Appeal Brief, the portion of the Kniffin et al. patent relied upon by the Examiner does not require two or more different users, each providing a subset of an overall code to be present to complete the overall code. On the contrary, Kniffin et al. requires only the presence of two or more authorized users in a specific location within a given time period, such as 60 seconds. There is no teaching that each of the two or more users provides a subset of an overall code, and therefore the Examiner's conclusion at page 7 of the Examiner's Answer, that "...The detection of the two or more user[s] is therefore considered as the presentation of the code subset and providing a complete code set base[d] on the simultaneous co-action between the first and second user key device...", is without support in the Kniffin et al. patent itself.

Moreover, the Examiner's conclusion that detection of two or more users in a single location within a 60 second time period constitutes "simultaneous co-action" between a primary key (providing a first code subset) and a secondary key (providing a second code subset) to open the container at an intended destination, is not supported by the disclosure of Kniffin et al. As more fully discussed at page 7 of the Appeal Brief, a 60 second time period between detection of two or more users cannot be considered to be "simultaneous". On the contrary, Kniffin et al. defines simultaneous for different operations (detection of two or more users at different locations) as being in the magnitude of about 5

seconds (col. 9, lines 38-47). Thus, by its own terms, Kniffin et al. teaches against simultaneous detection of the presence of two or more users at the same location since a 60 second time period is significantly different from the 5 second time period which Kniffin et al. considers to be simultaneous. Therefore, the disclosure of Kniffin et al. teaches a delay of approximately 60 seconds for the detection of the presence of two or more users at the same location, clearly contrary to the express recitation in independent claim 1 of "simultaneous co-action" between the primary and secondary keys at the same location ( i.e., the intended destination at which the container is to be opened).

At page 8, first full paragraph of the Examiner's Answer, the Examiner states that it is his position that in all embodiments of the Kniffin et al. patent, access to the secured area is granted based on the presentation of a valid electronic key, and in certain high security applications, access requires the presence of two or more users before access is granted to the secure area. With regard to access based on the presentation of a valid electronic key, the use of only a single key to provide access to a secured area is not relevant to the invention disclosed and claimed by Applicant, which expressly requires two keys, each of which provides a portion of an overall code set, to be simultaneously inputted to deactivate means for destroying the contents of a container. In fact, the teaching of Kniffin et al., that authorization provided to only one user is valid for a 30 minute "window" period (col. 2, lines 47-59), teaches directly against the method defined by independent claim 1 which requires simultaneous co-action between two keys, each providing a different portion of an overall code.

With regard to the Examiner's contention that in certain high-security applications, the access device of Kniffin et al. requires the presence of two or more users before granting access to the secure area (column 9, lines 26-30 of the Kniffin et al. specification), Applicant submits, as discussed above, that

neither of the two or more users is required by Kniffin et al. to provide a portion of an overall code, and the presence of the two or more users at the intended destination is not required to be simultaneous.

With regard to the issues raised at the second full paragraph of page 8 of the Examiner's Answer, Applicant submits, for the reasons discussed above, that Kniffin et al. defines simultaneous as being in the magnitude of 5 seconds in connection with a different operation, and thus the disclosure of a 60 second gap in detecting the presence of two or more users is not simultaneous.

With regard to the issues raised at page 8, third full paragraph of the Examiner's Answer, Applicant submits, as discussed above, that by defining simultaneous to be in the magnitude of 5 seconds for a different operation, the teaching of a 60 second delay between the detection of the presence of two or more users in the same location cannot be considered simultaneous.

With regard to the issues raised at page 8, last paragraph through page 9, first paragraph of the Examiner's Answer, Kniffin et al. merely discloses detection of the presence of two or more users at the same location within a 60 second time period. It clearly does not teach or suggest simultaneously inputting a first subset of a code by a first user and a second subset of a code by a second user for completing an overall code to deactivate means for destroying the contents within a container. Detection of the presence of two or more users within a 60 second window period is not synonymous with either 1). inputting two subsets of an overall code to complete the overall code, or 2). simultaneous co-action of two subsets of an overall code, as expressly recited in appealed independent claim 1.

As discussed at the first full paragraph of page 8 of the Appeal Brief, the objective of the method defined by independent claim 1 is to destroy the contents of a container unless authorized entry into

the container is detected. On the contrary, the basic objective of the Kniffin et al. patent is to protect the contents within a container (as, for example, a delivery truck) from unauthorized access and not to destroy the contents of the container in response to detection of an unauthorized attempt to gain access to the container. Accordingly, significant differences exist between the basic objective of the method disclosed by Applicant and defined by independent claim 1, and the basic objective and method disclosed by the Kniffin et al. patent.

Since Kniffin et al., the primary reference applied to reject independent claim 1, teaches against several of the expressly recited steps of the method defined by independent claim 1, a combination of Kniffin et al. with the secondary references applied in the Final Action can not teach or suggest the method defined by independent claim 1 when all positively recited features of the claimed method are considered in the patentability determination.

For the reasons discussed during the prosecution of this patent application, in the Appeal Brief, and in the present Reply Brief, Applicant respectfully submits that independent claim 1 is in condition for allowance. The remaining appealed dependent claims, which depend directly or indirectly from independent claim 1, are believed to be allowable, at least for the same reasons as parent independent claim 1.

Applicant respectfully requests that the rejection of the appealed claims made in the Final Action be reversed and that this patent application be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mr. P. Stone', written in a cursive style.

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